

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 17, begin a new paragraph and insert:
- 3 "SECTION 1. IC 13-11-2-8 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) "Applicant", for
- 5 purposes of IC 13-19-4, means an individual, a corporation, a limited
- 6 liability company, a partnership, or a business association that:
- 7 (1) receives, for commercial purposes, solid or hazardous waste
- 8 generated offsite for storage, treatment, processing, or disposal;
- 9 and
- 10 (2) applies for the issuance ~~renewal~~, or transfer or major
- 11 ~~modification~~ of a permit described in IC 13-15-1-3 other than a
- 12 post-closure permit or an emergency permit.
- 13 (b) "Applicant", for purposes of IC 13-20-2, means an individual, a
- 14 corporation, a limited liability company, a partnership, or a business
- 15 association that applies for an original permit for the construction or
- 16 operation of a landfill.
- 17 (c) For purposes of subsection (a), "applicant" does not include an
- 18 individual, a corporation, a limited liability company, a partnership, or
- 19 a business association that:
- 20 (1) generates solid or hazardous waste; and
- 21 (2) stores, treats, processes, or disposes of the solid or hazardous
- 22 waste at a site that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 2. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

SECTION 3. IC 13-19-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in section 8(e) of this chapter**, this chapter does not apply to:

- (1) an applicant for a transfer station permit that holds a permit for and continuously operates; or**
 - (2) the transfer of a permit for a transfer station to an applicant that holds a permit for and is operating;**
- a transfer station, solid waste disposal facility, or hazardous waste facility in Indiana after December 31, 2004.**

(b) Except as provided in section 8(e) of this chapter, this chapter does not apply to:

- (1) an applicant for a permit for a solid waste disposal facility or hazardous waste facility that holds a permit for and continuously operates; or**
 - (2) the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating;**
- a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004."**

Page 2, line 20, after "issuance" delete ",".

Page 2, line 20, strike "renewal," and insert "or".

Page 2, line 20, after "transfer" delete ",".

Page 2, line 20, strike "or major modification".

Page 2, line 21, strike "described in IC 13-15-1-3".

Page 2, line 21, delete "to control atomic radiation" and insert **"for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility"**.

Page 3, delete lines 4 through 42.

Page 4, line 8, after "of" insert **"the entire"**.

- 1 Page 4, line 8, after "ownership" insert **"interest"**.
- 2 Page 4, line 9, delete **"to control atomic radiation"**.
- 3 Page 4, line 11, strike "may" and insert **"shall"**.
- 4 Page 4, line 17, delete ";" and insert **"submitted under subsection**
- 5 **(b);"**.
- 6 Page 4, line 21, delete ";" and insert **"submitted under subsection**
- 7 **(b);"**.
- 8 Page 4, between lines 26 and 27, begin a new paragraph and insert:
- 9 **"(e) If :**
- 10 **(1) subsection (b) does not apply; and**
- 11 **(2) there is a change of at least fifty percent (50%) ownership**
- 12 **control of an entity that holds a permit described in**
- 13 **IC 13-15-1-3, including an entity referred to in section 1 of this**
- 14 **chapter (other than an entity referred to in subsection (a));**
- 15 **the entity must, not later than thirty (30) days after the change of**
- 16 **ownership control is completed, submit to the department the**
- 17 **disclosure statement referred to in subsection (b).**
- 18 **(f) The commissioner:**
- 19 **(1) shall review the disclosure statement submitted under**
- 20 **subsection (e); and**
- 21 **(2) may investigate and verify the information set forth in the**
- 22 **disclosure statement.**
- 23 **(g) If the commissioner determines:**
- 24 **(1) that:**
- 25 **(A) the information disclosed by the disclosure statement**
- 26 **submitted under subsection (e); and**
- 27 **(B) any investigation by the commissioner;**
- 28 **would require the commissioner to deny an application for a**
- 29 **permit described in IC 13-15-1-3 if the entity that submits the**
- 30 **disclosure statement were applying for a permit under section**
- 31 **2 of this chapter; or**
- 32 **(2) an entity failed to submit to the department a timely**
- 33 **disclosure statement under subsection (e);**
- 34 **the commissioner shall revoke any permit described in IC 13-15-1-3**
- 35 **held by the entity.**
- 36 SECTION 6. IC 13-20-1-1 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter does
- 38 not apply to an individual, a corporation, a partnership, **a limited**
- 39 **liability company**, or a business association that in its regular business
- 40 activity:
- 41 (1) produces solid waste as a byproduct of or incidental to its
- 42 regular business activity; ~~and~~

(2) disposes of the solid waste at a site that is:

(A) owned by the individual, corporation, partnership, **limited liability company**, or business association; and

(B) limited to use by that individual, corporation, partnership, **limited liability company**, or business association for the disposal of solid waste produced by:

(i) that individual, corporation, partnership, **limited liability company**, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 7. IC 13-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person that applies for a permit ~~described in IC 13-15-1-3 that concerns a solid waste management facility~~ **for a solid waste disposal facility** must demonstrate that there is a local or regional need in Indiana for the facility.

SECTION 8. IC 13-20-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person that applies for a permit referred to in section 2 of this chapter must submit the following information to the department along with the permit application:

(1) A description of the area that would be served by the solid waste ~~management~~ **disposal** facility.

(2) A description of existing solid waste management facilities in the area that would be served by the solid waste ~~management~~ **disposal** facility.

(3) A description of the need that would be fulfilled by constructing the solid waste ~~management~~ **disposal** facility.

SECTION 9. IC 13-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the department determines that there is not a local or regional need in Indiana for the solid waste ~~management~~ **disposal** facility, the person referred to in section 2 of this chapter may not receive a permit described under IC 13-15-1-3 of this chapter. If a permit is denied under this ~~subsection;~~ **section**, the department must provide the person referred to in section 2 of this chapter with a statement describing the reasons the department denied the permit.

SECTION 11. IC 13-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste

1 transportation manifest.

2 (c) A manifest required under subsection (b) must include the
3 following information:

4 (1) The amount in tons of municipal waste transported in the
5 vehicle.

6 (2) The name and address of the solid waste processing facility
7 from which the municipal waste is transported.

8 (3) The destination of the municipal waste.

9 (4) The name of the person transporting the municipal waste.

10 ~~(5) If the municipal waste is transported from a transfer station~~
11 ~~that receives municipal waste, the identity of and~~
12 ~~acknowledgement number issued by the department under~~
13 ~~IC 13-20-6-5 or IC 13-7-10.5-14 (before its repeal) to the~~
14 ~~following:~~

15 ~~(A) The transporter of the municipal waste.~~

16 ~~(B) The transfer station from which the municipal waste is~~
17 ~~transported.~~

18 ~~(C) A broker involved in the transportation of the municipal~~
19 ~~waste.~~

20 (d) The owner or operator of the solid waste processing facility from
21 which municipal waste is to be transported shall:

22 (1) prepare the manifest required by subsection (b); and

23 (2) deliver the manifest to the operator of the vehicle.

24 (e) The operator of the vehicle shall:

25 (1) carry the manifest while transporting the municipal waste; and

26 (2) present the manifest to the owner or operator of the facility to
27 which the municipal waste is transported.

28 (f) The owner or operator of the facility to which the municipal
29 waste is transported shall:

30 (1) retain each manifest for one (1) year; and

31 (2) send one (1) copy of each manifest to the department not later
32 than three (3) months after receiving a manifest for at least one (1)
33 year.

34 SECTION 12. IC 13-20-6-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The
36 commissioner may, by order, do the following:

37 (1) Suspend the waste transfer activities of an operator who is not
38 a resident of Indiana if the operator is not properly licensed,
39 certified, or permitted to conduct waste transfer activities in
40 another state in which the operator does business.

41 (2) Suspend the waste transfer activities of a transfer station that
42 does not meet the requirements of the inspection program

1 established under section 7 of this chapter.

2 (b) An order issued by the commissioner under this section requiring
3 an operator or transfer station to suspend operations must contain the
4 date by which waste transfer activities must be suspended.

5 (c) After issuing an order requiring an operator or transfer station to
6 suspend waste transfer activities but before the date by which the
7 activities must be suspended, the department must provide notice by
8 certified mail, return receipt requested, to the following:

9 (1) Each regulated solid waste processing facility in Indiana.

10 (2) Each regulated solid waste disposal facility in Indiana.

11 ~~(3) Each broker and transporter that has submitted a disclosure~~
12 ~~statement under section 2 of this chapter.~~

13 (d) The notice described under subsection (c) must contain the
14 following:

15 (1) The name of the operator or transfer station subject to the
16 order.

17 (2) The date on which waste transfer activities are suspended
18 under the order.

19 ~~(3) The acknowledgement number issued to the operator under~~
20 ~~section 5 of this chapter.~~

21 ~~(4) (3)~~ (3) If the order applies to a transfer station, the location of the
22 transfer station.

23 (e) Upon a determination by the commissioner that an operator
24 previously ordered to suspend waste transfer activities may engage
25 again in waste transfer activities, the department shall immediately
26 provide notice by certified mail, return receipt requested, to each:

27 (1) regulated solid waste processing facility in Indiana; **and**

28 (2) regulated solid waste disposal facility in Indiana; **and**

29 ~~(3) broker and transporter that submitted a disclosure statement~~
30 ~~under section 2 of this chapter;~~

31 that the operator or transfer station will be allowed to resume waste
32 transfer activities. The notice required under this subsection must
33 contain the date on which the operator or transfer station will be
34 allowed to resume waste transfer activities

35 SECTION 13. IC 13-20-6-8 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) An operator who
37 is not a resident of Indiana or a transfer station may not engage in waste
38 transfer activities while the operator or transfer station is suspended
39 from engaging in waste transfer activities under section 3 ~~or~~ 4 of this
40 chapter.

41 (b) On or after the effective date established under a rule adopted by
42 the board, a solid waste disposal facility or a solid waste processing

1 facility located inside Indiana may not knowingly accept municipal
 2 waste from a transfer station located inside of or outside of Indiana that
 3 receives municipal waste if:

4 (1) the municipal waste is not accompanied by a manifest that
 5 contains the information required under IC 13-20-4-7; or

6 (2) the person who manages the solid waste disposal facility or
 7 solid waste processing facility has received notice under section
 8 4(c) of this chapter that:

9 (A) the transfer station that shipped the municipal waste; or

10 (B) an operator listed on the manifest;
 11 has been suspended from engaging in waste transfer activities
 12 under this chapter.

13 SECTION 14. [EFFECTIVE JULY 1, 2005] **(a) For purposes of**
 14 **this SECTION:**

15 **(1) "incinerator" has the meaning set forth in IC 13-11-2-106;**
 16 **and**

17 **(2) "solid waste processing facility" has the meaning set forth**
 18 **in IC 13-11-2-212.**

19 **(b) 329 IAC 11-9-5 is void to the extent that the rule applies to**
 20 **solid waste processing facilities, except incinerators.**

21 **(c) The solid waste management board shall amend 329**
 22 **IAC 11-9-5 so that the rule is consistent with subsection (b)."**

23 Page 4, delete lines 27 through 42.

24 Delete page 5.

25 Page 6, delete lines 1 through 34.

26 Page 6, line 36, delete "IC 13-20-1." and insert "IC 13-20-6-2;
 27 IC 13-20-6-3; IC 13-20-6-5; IC 13-20-6-6."

28 Renumber all SECTIONS consecutively.

(Reference is to SB 279 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 2.

Senator Gard, Chairperson